

14-31. Administrative Penalty Actions (1200 TN 350 14-31)

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, (CERCLA):

- a. To make determinations of violations under Section 109;
- b. To assess penalties;
- c. To issue orders;
- d. To issue notices or complaints;
- e. To compile the administrative record upon which the violation was found or the penalty was imposed; and
- f. To negotiate and sign consent orders memorializing settlements under Section 109 between the Agency and respondents.

2. TO WHOM DELEGATED.

a. The authorities in 1.a., 1.b. and 1.c. are delegated to the Regional Judicial and Presiding Officer.

b. The authorities in 1.c., 1.d., 1.e. and 1.f. are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Data, Support and Prevention Branch, ECAD.

3. LIMITATIONS.

a. The delegates must notify the Assistant Administrator for the Office of Land and Emergency Management (AA/OLEM) and the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) or their designees when exercising any of the above authorities.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

14-31. Administrative Penalty Actions (continued)

5. ADDITIONAL REFERENCES.

- a. All applicable Agency guidance and directives.
- b. Section 109 of CERCLA.

6. SUPERSESSION. Delegations Manual, CERCLA, Regional Delegation 14-31.
Administrative Penalty Actions, 1200 TN RIII 164 (September 1, 2005).

Date: APR 15 2019



Cosmo Servidio
Regional Administrator